

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

DAMON EUGENE ODEN,

Petitioner,

v.

JIMMY KILGORE, et al.,

Respondents.

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Case No.: 1:17-cv-02002-RDP-HNJ


MEMORANDUM OPINION

On December 4, 2017, the Magistrate Judge's Report and Recommendation was entered and Petitioner was allowed therein fourteen (14) days in which to file objections to the recommendations made by the Magistrate Judge. No objections were filed.

After careful consideration of the record in this case and the Magistrate Judge's Report and Recommendation, the court hereby **ADOPTS** the Report of the Magistrate Judge. The court further **ACCEPTS** the recommendations of the Magistrate Judge that Petitioner's 28 U.S.C § 2254 habeas application be dismissed without prejudice as premature.

A separate Order in accordance with this Memorandum Opinion will be entered.

DONE and **ORDERED** this December 27, 2017.


R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE